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16 **UNITED STATES DISTRICT COURT**

17 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

19 United States of America,

20 Plaintiff,

21 vs.

22 Twitter, Inc.,

23 Defendant.

Case No. 3:22-cv-3070-TSH

**JOINT STATEMENT IN SUPPORT OF
RELATIONSHIP OF CASES**

The Hon. Thomas S. Hixson

JOINT STATEMENT IN SUPPORT OF RELATING CASES

Pursuant to Local Rule 3-12(e), X Corp., successor in interest to Defendant Twitter, Inc., (“X Corp.”) and non-party Ernst & Young, LLP (“EY,” or together with X Corp., the “Affected Parties”), hereby submit this joint statement in response to Magistrate Judge Peter H. Kang’s *sua sponte* Judicial Referral for Purpose of Determining Relationship, Dkt. 22, *X Corp. v. Ernst & Young, LLP*, Case No. 3:23-mc-80245-PHK, Dkt. 22 (N.D. Cal.) (the “Referred Matter”).

The Affected Parties respectfully submit that the Court should find that this matter is related to the Referred Matter. Cases are related when (1) they “concern substantially the same parties, property, transaction or event,” and (2) “[i]t appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different Judges.” Civil L.R. 3-12(a).

The Affected Parties agree that both elements are satisfied here. The Referred Matter concerns a Motion to Compel Compliance with Subpoena Duces Tecum served by X Corp. on EY. The subpoena X Corp. seeks to enforce requests documents relating to EY’s communications with the Federal Trade Commission and certain other documents that X Corp. contends are relevant to its pending Motion for Protective Order & Relief from Consent Order. Dkt. 17. EY has objected to the subpoena, including on the grounds that the discovery sought is not permissible under the Consent Order previously entered in this Court. The pending Motion to Compel in the Referred Matter thus concerns “substantially the same parties, property, transaction, [and] events” as does X Corp.’s pending Motion in this matter. Civil L.R. 3-12(a). The Court is already familiar with the relevant parties, events, and procedural history, and relating the Referred Matter would avoid the duplication of labor and expense likely to result from requiring the Affected Parties to proceed before two different judges.

Counsel for X Corp. has conferred with counsel for the government, which does not oppose this request.

CONCLUSION

The Affected Parties respectfully request that the Court find that the instant matter is related to the Referred Matter.

DATED: October 16, 2023

Respectfully submitted,

KELLEY DRYE & WARREN LLP

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/s/ Laura Riposo VanDruff

/s/ Alex Spiro

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ECF ATTESTATION

I, Alex Spiro, am the ECF User whose ID and password are being used to file this Joint Statement in Support of Relating Cases. In compliance with Civil Local Rule 5-1(h)(i)(3), I hereby attest that Laura Riposo VanDruff, counsel for non-party Ernst & Young LLP, has concurred in this filing.

DATED: October 16, 2023

/s/ Alex Spiro
Alex Spiro